

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

JAN 08 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DAWN BOUTTE'
PLAINTIFF,

06CV7126
JUDGE GOTTSCHALL
MAGISTRATE JUDGE MASON

vs.

NORTHWESTERN MED.
FACULTY FOUNDATION,
NORTHWESTERN INTERNISTS &
NORTHWESTERN PHYSICIANS GROUP
DEFENDANTS,

COMPLAINT

DEFENDANTS, PHYSICIANS GROUPS, failed to sufficiently, state,
according to the guidelines established and required, by the
FEDERAL EMPLOYEES COMPENSATION ACT, how the condition and injury,
events, relates, to the diagnoses.

PLAINTIFF, DAWN BOUTTE', WORKER'S COMPENSATION, claim was denied,
because of PHYSICIANS GROUPS, physicians, failed to properly,
diagnose, the PLEAINTIFF, according to WORKERS COMPENSATION, to
their guidelines, that is stated, by OFFICE OF WORKERS' COMPEN-
SATION, letter, dated July 29, 1999. Also, the letter, states
paragraph, three (3), the "initial evidence of file supports that
you actually experienced the claimed event, (accident), However,
the evidence did not establish that a condition has been diagnosed
in connection with this".

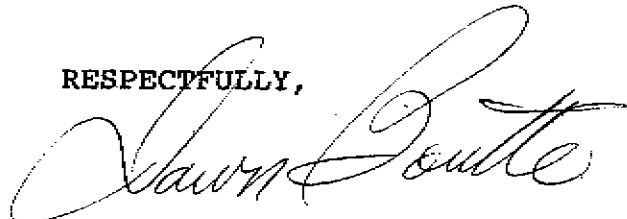
2.

COMPLAINANT:
DAWN BOUTTE'

PHYSICIANS, breached standard to perform necessary
diagnoses, for treatment and care payable by the
agency, WORKERS' COMPENSATION, and other benefits,
that was needed and still are needed, including the
co-payments, and deductibles, PLAINTIFF, suffered
and still suffers, with conditions related to the
injury, on job, (SEE ATTACHMENTS).
PLAINTIFF, DAWN BOUTTE, is suing the three, (3), Defend-
ants, each for \$5,000,000---each Defendant, for a total
of \$15,000,000---million. FOUR--- ATTACHMENTS.

DEFENDANTS
NORTHWESTERN MEDICAL
FACULTY FOUNDATION
201 E. HURON
CHICAGO, ILLINOIS 60611

RESPECTFULLY,



DAWN BOUTTE'

NORTHWESTERN INTERNISTS
676 N. St. CLAIR, #415
CHICAGO, ILLINOIS 60611

PLAINTIFF
DAWN BOUTTE'
P.O. Box 14113
CHGO., ILLINOIS 60614

NORTHWESTERN PHYSICIANS GRP.
201 E. HURON, #105
CHICAGO, ILLINOIS 60611

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
230 S DEARBORN 8TH FLOOR
CHICAGO IL 60604
Phone: (312) 353-8593

July 29, 1999

File Number: 100487620
Date of Injury: 09/09/1998
Employee: Dawn Boutte

Dawn Boutte
Box 14113
Chicago, IL 60614

Dear Ms. Boutte:

NOTICE OF DECISION

Your claim for compensation has been denied as the evidence was not sufficient to meet the guidelines for establishing that you sustained an injury due to the claimed event, as required by the Federal Employees' Compensation Act.

To establish "fact of injury" the evidence must establish a condition has been diagnosed in connection with the claimed accident, event, or employment factor.

The initial evidence of file supported that you actually experienced the claimed event. However, the evidence did not establish that a condition has been diagnosed in connection with this. Therefore, an injury within the meaning of the Federal Employees' Compensation Act (FECA) was not demonstrated.

You were advised of this by letter dated May 26, 1999, and afforded the opportunity to provide supportive evidence.

Additional evidence was not received. Evidence of record was not sufficient because it did not support your claim. In fact, the examination by Dr. Mirkovic revealed nothing out of the ordinary. Further, his November 17, 1998 letter states "Examination of the back revealed good range of motion with no tenderness to palpation or percussion, no evidence of paravertebral muscle spasm, no evidence of trigger points, and no evidence of soft tissue changes or swelling. The spine was well aligned with a level pelvis and leveled shoulders. There was no evidence of deformity."

Therefore, based on these findings, your claim is denied as you have not met the requirements for establishing that you sustained an injury as alleged. Medical treatment at OWCP's expense is not authorized and prior authorization, if any, is hereby terminated.

If you disagree with this decision you may pursue one of the courses of action listed on the enclosed sheet. Please be aware that there are time frames associated with exercising your appeal rights.

Sincerely,


Darryl Thomas
Claims Examiner


Shylene Turner
Senior Claims Examiner

*Subject to client
10/02*

U.S. DOJ

AQS Injured Worker Case Query ★ ★ ★

AGENCY: 4089WS - DEPT OF VETERANS AFFAIRS , CHICAGO VETERANS HOSPITAL
CASE#: 100487620 **MASTER:**
NAME: BOUTTE, DAWN **SSN:** 321-44-2707 **Sex:** F
Address: BOX 14113 **DOB/Age:** 11/22/1950-51
City State Zip: CHICAGO , IL 60614 **DOI:** 09/09/1998
Occupation: G0305-MAIL AND FILE
Reported
Condition: LBP CLIMBING OVER COUNTER **Condition Not Accepted**
Claim Rcv'd: 7 **Form Rcv'd:-** 1 05/21/1999 **CEID:** CCI **Injury ZIP:** 60612

★ ★ ★ CASE STATUS - Case In Chicago

Adjudication Status ● D3	- 11/05/2002 -	Denied - Fact of Injury Not Established
Prior Adjud Status ● D9	- 04/05/2002 -	Reconsideration Request Case
Initial Adjud Status ● D3	- 08/02/1999 -	Denied - Fact of Injury Not Established
Current Case Status ● C3	- 11/05/2002 -	Closed - Denied
Previous Case Status ● UD	- 04/05/2002 -	Under Development
Current Location ● FIL	- 11/05/2002 -	- CENTRAL FILE
Previous Location ● CCI	- 10/22/2002 -	- CLAIMS EXAMINER

- Continuation of Pay was not elected
- Pay was not Terminated
- Case has not been controverted
- Lost Time Began:
- Last Updated On: 11/05/2002

Case Created: ● 05/24/1999
Reviewed: ● 05/24/1999
Closed: ● 11/05/2002
Reopened: ●
Retired: ● -

Cause of Injury ● 99 - CAUSE UNKNOWN

Nature of Injury ● T8 - TRAUMATIC INJURY - UNCLASS. (EXCEPT DISEASE, ILLNESS)

Anatomical Location ● BL - LOWER BACK/BUTTOCKS

Extent of Injury ● 1 - No Lost Time — *UNTRUE TIME WAS LOST.*

★ **AUTHORIZATION FOR MEDICAL TREATMENT & PHYSICAL THERAPY** ★

NO AUTHORIZATION DATA ON THE FILE

● **NEW CASE** ● **Compensation Payments** ● **Compensation Tracking**

(22)

STEVEN M. KALT, M.D.
NORTHWESTERN COMMUNITY MEDICAL GROUP
1080 NORTH CLARK, SUITE 647
CHICAGO, ILLINOIS 60610

TELEPHONE (312) 981-8383

DEA REG. NO. BK4135720

NAME _____

AGE _____

ADDRESS _____

DATE 4/19/99

R

Dawn Boute is currently under medical treatment for a musculoskeletal injury. Medication includes antiinflammatory and muscle relaxants.

☐ LABEL

REFILL _____ TIMES

☐ MAY SUBSTITUTE☐ MAY NOT SUBSTITUTE

She is able to continue work while under treatment

_____, M.D.

ORTHOPAEDIC ASSOCIATES OF CHICAGO, Ltd.

Orthopaedic and Hand Surgery

Proctor R. Anderson, M.D.
DEA #AA 5820128

John A. Halligan, M.D.
DEA #AH 8818110

Scott Cordes, M.D.
DEA #BC 0172572

Charles Carroll IV, M.D.
DEA #BC 0960422

Clare R. Giegerich, M.D.
DEA #AG 9126827

Steven H. Stern, M.D.
DEA #BS 1804802

Srdjan Miskovic, M.D.
DEA #BM 0444733

Richard L. Wilson, M.D.
DEA #AW 8237542

676 N. St. Clair, Suite 450
Chicago, IL 60611

David M. Katsinov, M.D.
DEA #BK 4911853

Telephone: (312) 943-7850
Fax: (312) 943-2955

Name

Dawn Boute

Date

1-18-99

Address _____

B

Dx: LBP - L4-L5, L5-S1 disc bulge
Frequency 2x Duration 4wks

LUMBAR STABILIZATION
ISOMETRIC STRENGTH

☐ Label

REFILL - 0 - 1 - 2 - 3 - 4 - PRN

ABDOMINAL AND LUMBAR
BACK SCHOOL

☐ May Substitute

_____, M.D.

☐ May Not Substitute

_____, M.D.

DEC 30 1995

U.S. DISTRICT COURT
NORTH DISTRICT OF ILLINOIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Michael W. Dobbins
CLERK

Office of the Clerk

Dawn Boutte
P.O. Box 14113
Chicago, IL 60614

Case Number: 1:02-cv-01916

Title: Boutte v. Principi

Assigned Judge: Honorable Joan B. Gottschall

MINUTE ORDER of 1/27/03 by Hon. Joan B. Gottschall :
Defendant Anthony Principi's motion to dismiss this action
is granted [15-1] and Boutte's complaint is dismissed without
prejudice. To the extent it argues the court lacks
jurisdiction over the alleged state-law claims, defendant
Northwestern Internists, Ltd.'s motion to dismiss
plaintiff's complaint is granted [11-1]. Accordingly, the
following motions are denied as moot: defendant
Northwestern Medical Faculty Foundation's motion to dismiss
[4-1]; plaintiff's motion for preliminary injunction [9-1]
and plaintiff's motion for summary judgment [16-1]. Case
terminated. terminating case Mailed notice

This docket entry was made by the Clerk on January 29, 2003

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